

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
In Re
Eileen Fagan

Debtor
-----x

Chapter 13

Case No. 04-23460

AFFIRMATION OF TIME AND EXPENSES
FOR OPPOSING A FRIVOLOUS MOTION FOR RELIEF FROM STAY

I, Shmuel Klein, counsel for the debtor herein, affirm under penalty of perjury, state that I have knowledge of the following and state the same is true except for those matters stated "upon information and belief" and as to those matters, I believe them to be true.

1. This affirmation is pursuant to the courts order from the bench to submit time and expenses incurred in objecting to a frivolous motion for relief from stay.
2. I have been practicing law for 19 years. Although this court typically only awards me fees on the average of \$100/hour, current hourly rate and used to calculate this application is \$385.00. The United States Attorney and many Courts use the Laffey Matrix to calculate attorney fee hourly rates. The rate for an attorney with 11-19 years out of law school is currently \$509.00 per hour. My hourly rate is well below that rate.
3. My time and expenses are as follows:

FEES

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
6/1/2007	Review of Deutsche Bank's Motion for Relief from Stay	1.0	\$385.00
6/1/2007	Review Docket and file	1.0	\$385.00
6/5/2007	review Title, Mortgage and Judgment	2.0	\$770.00
6/5/2007	call to client re: Motion for Relief from Stay	0.3	\$115.50

6/5/2007	Meeting with client re: Motion	1.5	\$577.50
6/7/2007	Draft Affidavit in Opposition of Motion to vacate stay; Draft Memorandum of Law	2.0	\$770.00
6/7/2007	Review Opposition with client and conference with client to sign affirmation	1.0	\$385.00
6/8/2007	Upload, copy and mail opposition to Dennis Jose and Judge	0.5	\$192.50
6/11/2007	Review Homecomings Affidavit in Support of Motion	0.5	\$192.50
6/11/2007	Telephone call with Steven Baum's office re: Adjournment of Hearing	0.1	\$38.50
6/12/2007	Review of letter adjourning	0.1	\$38.50
7/10/2007	Sur-Reply Affirmation	1.0	\$385.00
7/12/2007	Review of Affirmation in Support of Motion to Terminate Stay by Deutsche Bank	1.0	\$385.00
7/16/2007	Telephone call with Steven Baum's office	0.1	\$38.50
7/16/2007	Prep for court/ review of file	0.5	\$192.50
7/17/2007	In Court; (Court Hearing adjourned)	1.0	\$385.00
7/17/2007	Prep for court/ review of file	0.5	\$192.50
7/18/2007	Review of letter adjourning	0.1	\$38.50
8/22/2007	In Court to Argue Motion	1.0	\$385.00
		Total	\$5,852.00

COSTS

<u>Date</u>	<u>Description</u>	<u>Amount</u>
6/5/2007	Title Search	\$250.00
6/8/2007	Copies and postage; Opposition to Motion to vacate Stay	\$15.00
7/17/2007	Gas, parking and tolls	\$20.00
8/22/2007	Gas, parking and tolls	\$20.00
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		Total \$305.00
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		TOTAL FEES AND COSTS \$6,157.00

WHEREFORE, it is respectfully demanded that the Court impose a minimum of \$5,852.00 for attorney fees and \$305.00 for costs, upon Deutsche Bank for filing a frivolous Motion for Relief from Stay, and as the Court may determine.

Dated: August 22, 2007

_____/s/_____
Shmuel Klein,
Attorney for Debtor
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